

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

PRESI ORTEGA, JR.
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
MARCH 22, 2005
9:00 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 9:05 a.m. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Robert A. Cushing, Jr., John F. Cook, Presi Ortega, Jr., Paul J. Escobar, Vivian Rojas, and Anthony W. Cobos. Absent: Council Member Susan Austin and Council Member Jose Alexandro Lozano. The invocation was given by Police and Fire Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATION

World TB Day in El Paso

Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to delete the following item:

Economic Development. [Anita Blair]

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to **RECESS** the City Council Meeting for the Mass Transit Department Board Meeting at 9:12 a.m.

Motion made by Representative Cook, seconded by Representative Rojas and unanimously carried to **RECONVENE** the City Council Meeting from the Mass Transit Department Board Meeting at 9:20 a.m.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the **CONSENT AGENDA** unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the **MINUTES** for the Regular City Council Meeting of March 15, 2005, Special City Council Meeting of February 17, 2005 (Joint Meeting with Las Cruces City Council), and Special City Council Meeting of March 15, 2005 (Animal Emergency Center crematorium).

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **EXCUSE** Representative Susan Austin and Representative Jose Alexandro Lozano from the Regular City Council Meeting of March 22, 2005.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Contract of Sale between the CITY OF EL PASO and THE RICHARD W. WILSON & ALMA WILSON REVOCABLE LIVING TRUST for the purchase of a 39.4 square foot parcel of land, being a portion of Lot 1, Block 16, Second Amended Map of West Ysleta, El Paso, El Paso County, Texas (Parcel 5), to be used for the purpose of right-of-way requirements related to the construction of the Dorbandt Street & Drainage Improvement Project.

NOTE: Resolution was revised.

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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Agreement for Architectural Services between the **CITY OF EL PASO** and **MIJARES-MORA ARCHITECTS, INC.**, a corporation, registered in the State of Texas, for architectural consulting services on an "as needed" basis, in connection with construction projects designed by the City in-house or designed by Consultants hired by the City or other services for an amount not to exceed **ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00)**.

Ms. Lisa Turner, citizen, commented.

Mayor Joe Wardy and Representatives Cook, Cushing, Rojas and Ortega commented.

The following City staff members commented:

1. Mr. Rick Conner, City Engineer
2. Ms. Joyce Wilson, City Manager
3. Ms. Terri Cullen-Garney, Deputy City Attorney

Motion made by Representative Ortega, seconded by Representative Cushing and carried to **APPROVE** the above Resolution.

AYES: Representatives Cushing, Ortega, Escobar, Rojas and Cobos

NAYS: Representative Cook

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Agreement for Architectural Services between the CITY OF EL PASO and GARLAND KEIRSEY SWIER ARCHITECTS, for a project known as "Shearman and Pecan Grove 2" for an amount not to exceed Forty-Six Thousand Five Hundred One and 15/100 DOLLARS (\$46,501.15).

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***R E S O L U T I O N**

WHEREAS, the Development Corporation Act of 1979, Art. 5190.6, Texas Revised Civil Statutes, as amended, authorizes the creation of non-profit, non-member, non-stock corporations to act on behalf of political subdivisions of the State of Texas for the promotion of industrial development; and

WHEREAS, on August 28, 1979, the City Council of the City of El Paso, Texas, approved the creation of the City of El Paso Industrial Development Authority, Incorporated; and

WHEREAS, Article VII of the Articles of Incorporation, as amended effective December 21, 1993, vests powers of the Corporation in a Board of Directors, who are appointed by written resolution of the governing body of the City of El Paso, Texas.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That Pete Parraz be reappointed to the Board of Directors of the Industrial Development Authority, Incorporated, effective as of the date hereof, on behalf of Representative District 6.

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***NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 19th day of April, 2005 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 5557 Peinado Lane, in El Paso, Texas, which property is more particularly described as:

Lot: 25, Block 2, Alta-Mira Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 1, Page 4, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Estate of Stella Oster, C/O I. H. Wolfe, 5557 Peinado Lane, El Paso, Texas 79903, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the Staffing Table Change for Fire

Delete	1.00	Fire Medic	FS 1
Add	1.00	Firefighter	FS 1

Fund Source: 22010100-01101-22000

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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **MOVE TO THE REGULAR AGENDA** the board re-appointment of Chad G. North to the City Plan Commission by Mayor Joe Wardy.

Mr. Richard Schecter, citizen, commented.

Mayor Joe Wardy and Representatives Rojas, Cook, and Cobos commented.

Motion made by Representative Ortega, seconded by Representative Cushing and unanimously carried to **RE-APPOINT** Chad G. North to the City Plan Commission by Mayor Joe Wardy.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPOINT** Carmen Olivas Graham, Ph.D., to the Workforce Retraining Advisory Committee, as an alternate member, by Representative John F. Cook.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPOINT** Ali Boureslan to the Civil Service Commission filling an unexpired term by Representative Presi Ortega, Jr.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** installation, power, and maintenance of residential street light at the following location:

Between 1313 & 1309 Sabrina Lyn Dr. Cost: \$1,200.00
Dept ID#01153010, Acct#504420, Fund #16507

NOTE: Addresses on request were revised.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **DELETE** the request authorizing to allocate \$1,000.00 from District #8 discretionary funds for the purchase of food, beverages, supplies and entertainment for the Great American Clean-Up Event that will take place at 9:00 a.m. on April 23, 2005 at Houston Park. This event is being sponsored by Keep El Paso Beautiful and Neighborhoods First Initiative. (ID# 01153012, Acct.# 504420, Project# PD80429, Fund 16508, Class 01001)

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **DELETE** the request to allocate \$250.00 from District 8 Discretionary Funds to the El Paso Public Library for the "Dia De Los Niños - Dia De Los Libros" Annual Event to be held at Washington Park on April 30, 2005. (ID#01153012, Acct. #504420, Project #PD80429, Fund# 16508, Class# 01001)

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the request that the Director of Purchasing be authorized to issue a Purchase Order to CI Technologies who is the sole provider of technical support for IAPRO, Internal Affairs Professional Standards Software. IAPRO was created, developed and offered exclusively by CI Technologies. Total Amount \$30,200.00.

Award amount is \$30,200.00
Funds available in: 04200401-29209-508010 Project PMB0005009
Funding Source: 2004 Capital Acquisitions, Data Processing Equipment
Department: Police

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the request that the City Manager be authorized to exercise the City's option to extend the term of the agreement for one (1) additional year, from May 1, 2005, through April 30, 2006, pursuant to the provisions of contract 2002-123, Security Guard Services for Police (Headquarters & Abandon Auto), with Mike Garcia Merchant Security, Inc., El Paso, Texas.

Option No.: ONE [OF ONE]
Account No.: 21010061-01101-502212 & 21150064-16413-502212
Funding Source: Police General Funds & Restricted Funds, Security Contracts
Amount: \$174,369.44 Estimated Annually
Department: Police

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the request that the City Council authorize an emergency procurement and that the City Manager be authorized to sign a contract with Star Construction in the amount of \$52,240.00 for the construction/replacement of the roof at the Paul Harvey Park Shelter Building.

Background: During the week of December 13 to 18, high winds damaged the roof of the shelter, the wind blew away considerable portions of the roofing membrane (shingles) and roof deck (plywood). Adverse weather conditions through the rest of December further deteriorated the remaining roof structure increasing the potential for injury to the park visitors, damage to adjacent private properties and additional damage to the shelter structure.

This procurement is necessary to preserve the public property of the municipality and is exempt from the competitive bid requirements of Chapter 252 of the Local Government Code, as noted in Section 252.022 General Exemptions.

Department: Parks and Recreation
Funds Available in: 14200401-PBE04PA103-29103-508027
Funding Source: General Fund
Amount: \$52,240.00

Representative Cobos commented.

The following City staff members commented:

1. Ms. Debbie Hamlyn, Deputy City Manager for Quality of Life Services
2. Ms. Joyce Wilson, City Manager

NOTE: Funding Source was revised from "2004 Bond Election" to "General Fund".
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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to
AWARD Best Value Procurement Solicitation No. 2005-068 Janitorial Services Carolina Recreation Center

Award to: ADEFTO Building & Ground Service
El Paso, TX
Item (s): All
Amount: \$18,868.93 (estimated yearly)

Department: Parks & Recreation
Funds available: 51010256-01101 & 51510073-16308-502206
Funding source: Parks General Funds & Users Fee, Maintenance
Total award: \$56,060.79 (estimated)

Parks & Recreation, Center Staff, and Purchasing recommend award as indicated, Adefto Building & Ground Service provided the Best Value bid.

This is a thirty-six month contract with no option to renew.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to
AWARD Request for Proposal Solicitation No. 2005-109R Comprehensive Airport Liability Insurance

Award to: Stinson and Son Insurance Agency
El Paso, Texas
Amount: \$120,000.00 (estimate)

Department: Aviation
Funds available: 62620001-504402
Funding source: General Liability Insurance Expense
Total award: \$360,000.00 (estimated)

Award RFP 2005-109R "Comprehensive Airport Liability Insurance" for the Department of Aviation, to Stinson and Son Insurance Agency as per the recommendation of the Department of Aviation and the Review Committee. Stinson and Son Insurance Agency provided the best proposal to meet the needs of the Department of Aviation.

This is a three (3) year contract based on a Request for Proposal (RFP). Fixed rates are quoted for the 1st year offered. The Contract will officially begin at 12:01 AM, April 1, 2005. \$120,000.00 Estimated Per Year. Annual premiums for years 2 and 3 will be contingent upon loss runs, new acquisitions and State mandated modifiers.

Furthermore, it is requested that staff be authorized to negotiate, the City Attorney's Office to review and that the City Manager execute any additional documents as necessary.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to
AWARD Bid Solicitation No. 2005-063 Proprietary Parts & Service-Carrier HVAC Systems

Award to: Carrier Commercial Service
El Paso, Texas
Item (s): Part A & Part B
Amount: \$50,000.00 (estimated annually)

Department: Building Maintenance
 Funds available: 31010326-503200-01101
 Funding source: Building Maintenance General Operating Funds
 Total award: \$150,000.00 (estimated)

The Building Maintenance and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City a prompt payment discount of 1.25% 10 days.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

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 *Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to
AWARD Bid Solicitation No. 2005-088 High Pressure Coupled Hose Line & Hose Machines

Award to: Granberry Supply Corporation
 El Paso, Texas
 Item (s): Group I, #1 through #6, Group II, #1 (all)
 Amount: \$65,000.00 (estimated annually)

Department: Fleet Service
 Funds available: 37370510-503121-45202
 Funding source: Fleet Service Internal Service Fund
 Total award: \$195,000.00 (estimated)

The Fleet Service and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award.

Vendor also offers the City a prompt payment discount of 3 % ten (10) days or 2% twenty (20) days or 1% thirty (30) days.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

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 *Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to
DELETE budget transfer BT2005-779 PARKS AND RECREATION

This budget transfer requests an increase in an existing appropriation to fund completion of the Parks Master Plan. \$100,000 is already appropriated and the total cost of this will be \$200,000. Money is available in Fund Balance.

Increase	\$100,000	to	51010279/P50020116301/407002	EstRev
Increase	\$100,000	to	51010279/P50020116301/502115	MgmtCnsltSvc

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** budget transfer BT2005-780 PARK AND RECREATION

This budget transfer requests a new appropriation for the Multipurpose Center to operate a Summer Club Rec. Program. This center will receive no CDBG funds and will pay for this program through User Fees.

Increase	\$9,600	to	51510032/P50022516325/404304	ChildCare/CR
Increase	\$1,600	to	51510032/P50022516325/502206	JantrISvc
Increase	\$2,000	to	51510032/P50022516325/502215	ContNOC
Increase	\$2,000	to	51510032/P50022516325/503115	Food&Bev
Increase	\$2,000	to	51510032/P50022516325/503116	RecSup
Increase	\$2,000	to	51510032/P50022516325/504422	FieldTrips

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** budget transfer BT2005-782 AIRPORT

Continental Airlines has an excess jet bridge located at El Paso International Airport. A new jet bridge has a market value of \$500,000 or more. With the current state of the airline industry, used jet bridges have a very small market and we are in a buyers market. As a result, this is a good buy for EPIA and fair to Continental. Owning an additional jet bridge is a benefit to EPIA and gives us flexibility in handling additional air service. We believe \$10,000 is a bargain for this equipment.

Increase	\$10,000	to	62620020/P50000441022/508003	Bldg Imprvmt
Increase	\$10,000	to	62620020/P50000441022/407001	Intrafd Trf (U)
Increase	\$10,000	to	62620018/P50000241021/407002	Est Rev
Increase	\$10,000	to	62620018/P50000241021/507001	Intrafd Trf (S)

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** budget transfer BT2005-783 AIRPORT

Transfer of funds to set up funding for the Terminal Expansion Joint Project.

Increase	\$ 500	to	62620028/PAP003541075/502302	PrintShopChg
Increase	\$ 200	to	62620028/PAP003541075/502304	MailRoomChg
Increase	\$10,000	to	62620028/PAP003541075/508016	Arch & Design
Increase	\$ 2,300	to	62620028/PAP003541075/508021	CEngAdmChg
Increase	\$ 1,000	to	62620028/PAP003541075/508024	Testing
Increase	\$ 2,000	to	62620028/PAP003541075/508026	Inspections
Increase	\$30,000	to	62620028/PAP003541075/508027	Construction
Increase	\$ 4,000	to	62620028/PAP003541075/508051	CProgMgmt
Increase	\$50,000	to	62620028/PAP003541075/407001	Intrafd Trf In
Increase	\$50,000	to	62620018/P50000241021/407002	Est Rev
Increase	\$50,000	to	62620018/P50000241021/507001	Intrafd Trf Out

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** budget transfer BT2005-787 PARKS AND RECREATION

This budget transfer requests a new appropriation to purchase three additional treadmills for the Eastwood Recreation Center. These are required to meet customer demand for aerobic equipment. Money is available in User Fee surplus.

Increase	\$10,000	to	51510075/P50025116338/407002	Est Rev
Increase	\$10,000	to	51510075/P50025116338/508009	Furn & Fixt

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the request of Grace Christian Center to use amplification (2 speakers and 2 microphones) at Lincoln Park-4001 Durazno St. on March 26, 2005 from 12:00 p.m. to 4:00 p.m. for an Easter egg hunt. Approximately 13 persons will take part and 150 spectators are anticipated. PERMIT NO.05-021
[Chris Acosta]

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Motion made by Representative Cushing, seconded by Representative Ortega and unanimously carried that the following Ordinances, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A.** An Ordinance to amend Title 19 (Subdivisions), Chapter 19.12 (Parkland Dedication), Section 19.12.050 (Standards for Deeded Parkland), Subsection 19.12.050.A.1 (General Characteristics) of the El Paso Municipal Code to increase the size of parkland sites that require an affirmative recommendation by Director of Parks and Recreation before approval of such by the City Plan Commission.
- B.** An ordinance incorporating the El Paso Water Utilities Public Service Board Westside Master Plan as a specific study area plan into the city's comprehensive plan, *The Plan for El Paso*, and which plan shall amend the *Plan For El Paso* and the Year 2025 General Land Use Map incorporated therein.
- C.** An ordinance amending the 2025 Proposed Thoroughfare System as detailed in the map atlas of *The Plan for El Paso* and its related documents as originally approved by the El Paso City Council in 1999, and as subsequently amended.

PUBLIC HEARING WILL BE HELD ON APRIL 5, 2005 FOR ITEMS A – C

- D.** An Ordinance changing the zoning of portion of Lot 1, Block 146A, Vista Del Sol Unit 52, El Paso, El Paso County, Texas from R-3 (Residential) to C-1 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Desert View United Church of Christ. ZON05-00004.

PUBLIC HEARING WILL BE HELD ON APRIL 12, 2005 FOR ITEM D

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

Mr. Richard Schechter, citizen, commented.

Representative Cushing commented.

Ms. Terri Cullen-Garney, Deputy City Attorney, commented.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **RECONSIDER** the introduction of an Ordinance to amend Title 19 (Subdivisions), Chapter 19.12 (Parkland Dedication), Section 19.12.050 (Standards for Deeded Parkland), Subsection 19.12.050.A.1 (General Characteristics) of the El Paso Municipal Code to increase the size of parkland sites that require an affirmative recommendation by Director of Parks and Recreation before approval of such by the City Plan Commission.

Ms. Jennifer Farleo Callan, Assistant City Attorney, amended the Ordinance language.

Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried to **APPROVE THE AMENDMENT** of the Ordinance language as read into the record by Assistant City Attorney Jennifer Callan.

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to **APPROVE THE INTRODUCTION OF THE AMENDED ORDINANCE.**

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Item: **INTRODUCTION AND PUBLIC HEARING** of an Ordinance authorizing the issuance of "City of El Paso, Texas, General Obligation Refunding Bonds, Series 2005"; levying a continuing direct annual ad valorem tax for the payment of said bonds; establishing procedures for the sale and delivery of the bonds; and delegating matters relating to the sale and issuance of the bonds to an authorized City officer or employee.

Mayor Joe Wardy and Representatives Cook, Ortega, Cobos and Cushing commented.

The following City staff members commented:

1. Ms. Terri Cullen-Garney, Deputy City Attorney
2. Ms. Joyce Wilson, City Manager
3. Mr. Bill Studer, Deputy City Manager

The following bond advisory team members commented:

1. Mr. Hector Zavaleta, First Southwest Company, gave a Powerpoint presentation (on file in the City Clerk's office)
2. Mr. Paul Braden, Delgado, Acosta, Braden & Jones, P.C.
3. Mr. Steven Adams, First Southwest Company

The following members of the public commented:

1. Ms. Lisa Turner
2. Mr. Richard Schechter

The Deputy City Clerk called for further public comment. There was no further public comment.

ORDINANCE 16020

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF EL PASO, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2005"; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID BONDS; ESTABLISHING PROCEDURES FOR THE SALE AND DELIVERY OF THE BONDS; AND DELEGATING MATTERS RELATING TO THE SALE AND ISSUANCE OF THE BONDS TO AN AUTHORIZED CITY OFFICER OR EMPLOYEE.**

Motion duly made by Representative Ortega, seconded by Representative Cushing, that the Ordinance be **INTRODUCED AND ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Cushing, Cook, Ortega, Escobar, Rojas and Cobos
NAYS: None Absent: Council Members Austin and Lozano

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **INTRODUCED AND ADOPTED**.
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NO ACTION WAS TAKEN regarding the discussion and briefing regarding legal fees paid by the City of El Paso to outside attorneys in private practice; to include the name of the firms, the total amount paid, billable hours and hourly rate.

Representatives Cook, Cobos, Cushing and Escobar commented.

Ms. Lisa Elizondo, City Attorney, gave a Powerpoint presentation (on file in the City Clerk's office) and responded to comments and/or questions of the Council Members.

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Motion made by Representative Cobos, seconded by Representative Ortega and unanimously carried **APPROVING** the 2005 City of El Paso's Legislative Agenda as set forth in the 2005 Federal Legislative Priorities and authorizing the Mayor's office to coordinate the City's legislative program for the Federal Legislative Session. (copy of the 2005 Federal Legislative Priorities on file in the City Clerk's Office)

Mr. Phillip LoPiccolo, Executive Assistant to the Mayor, presented to the Council the City of El Paso's 2005 Federal Legislative Priorities. He responded to comments and/or questions of the Council Members.

Mayor Joe Wardy and Representatives Cook, Rojas, Cushing and Ortega commented.

The following members of the public commented:

1. Mr. Richard Schechter
2. Mr. David Myers

The Deputy City Clerk called for further public comment. There was no further public comment.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **POSTPONE TWO (2) WEEKS** the discussion and action to direct the City Manager to institute a moratorium for 90 days on the request by the Animal Emergency Center's proposed crematorium incinerator at 1220 Airway until a complete review is conducted by the Health Legislative Review Committee due to high public concern.

Representative Cushing read into the record correspondence he received from Dr. Pete Koplos requesting the agenda item to be postponed for two weeks. (record of correspondence on file in the City Clerk's office)

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **POSTPONE TWO (2) WEEKS** the discussion and action to direct the City Manager to establish a license ordinance to regulate crematorium incinerators in the City of El Paso consistent with all local, state and federal government and environmental codes.

Representative Cushing read into the record correspondence he received from Dr. Pete Koplos requesting the agenda item to be postponed for two weeks. (record of correspondence on file in the City Clerk's office)

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Motion made by Representative Cushing, seconded by Representative Ortega and unanimously carried to **APPROVE** Bid Solicitation No. 2005-062 Citywide Parks Improvements Bid Package #3 (Cielo Vista, Dolphin, H. T. Ponsford, Modesto Gomez, Palo Verde)

Contractor:	Blair-Hall Co., Inc. El Paso, TX
Department:	Parks and Recreation
Funds Available:	14101001-PQLPA189-60183-508027
Funding Source:	2000 Quality of Life Bond Election
Items:	Base Bid I \$517,000.00 Alternate #1B \$ 9,200.00 Alternate #1C \$ 1,600.00 Alternate #1D \$ 12,400.00 Alternate #2A \$ 74,400.00 Alternate #2B \$ 45,400.00 Alternate #2C \$ 48,900.00 Alternate #2E \$ 25,900.00 Alternate #3A \$ 22,100.00 Alternate #3B \$ 23,400.00 Alternate #3C \$ 17,600.00
Total Award:	\$797,900.00

RECOMMENDATION:

The Department of Parks and Recreation, and Project Manager, Perspectiva 3/DI, recommend the award of this contract to Blair-Hall Co., Inc., the low responsible, responsive bidder. It is requested that the City Manager be authorized to sign the referenced contract. Additionally, it is requested that the City Manager and Staff be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

Mr. Byron Johnson, Director of Purchasing, commented.

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Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to **APPROVE THE REJECTION** of RFP 2005-104R, Building Space Rental - Eastside Health Clinic. Proposer, GGIA II, withdrew their proposal. The user department will review this requirement. A new request for bids will be issued.

Department: City-County Health District

Mr. Byron Johnson, Director of Purchasing, responded to questions of Representatives Cobos and Escobar.

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RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to execute a State Use Contract between the CITY OF EL PASO, TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED (TIBH), and BORDER TM INDUSTRIES, INC. to provide specified grounds maintenance services for the El Paso International Airport in the amount of \$6,563.50 monthly for the period from April 1, 2005 through March 31, 2006 and that it is in the best interest of the City for this grounds maintenance service function to be performed through contract.

Representatives Escobar and Cook commented.

Mr. Byron Johnson, Director of Purchasing, commented.

Motion made by Representative Cushing, seconded by Representative Ortega and unanimously carried to **APPROVE** the above Resolution.

.....
Motion made by Representative Escobar, seconded by Representative Cushing and unanimously carried to **POSTPONE FOUR (4) WEEKS** the public hearing to determine if the property located at 1105 Loma Verde Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated July 19th, 2004. The owners of this property, Lawrence W. & Catherine J. Few, 1105 Loma Verde Drive, El Paso, Texas 79936, have been notified of the violations at this property.

Mr. Thomas Maguire, Building Permits and Inspections, requested that Council Members postpone the agenda item for four (4) weeks.

.....
*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **DELETE** the discussion and action on a Resolution authorizing the Mayor to sign an amendment to a zoning contract between the City of El Paso and Richard L. Moore and A. Elizabeth Moore amending the zoning contract dated September 16, 1969 and as imposed by Ordinance No. 4271 to delete a condition for the property described as Lot 1, Block 1, Alta Mira Addition, El Paso, El Paso County, Texas. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Willis E. Maxwell. ZON04-00145.

Representative Cushing read into the record correspondence he received from the applicant requesting the agenda item to be deleted.

ORDINANCE 16021

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF SECTIONS 22, 23, 26, AND 27, BLOCK 80, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM M-1 (LIGHT MANUFACTURING) TO A-3 (APARTMENT); AND PARCEL 2: A PORTION OF SECTION 27, BLOCK 80, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM M-1 (LIGHT MANUFACTURING) TO C-4 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

The Deputy City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Cobos, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Cushing, Cook, Escobar, Rojas and Cobos
NAYS: None Absent: Council Members Austin and Lozano
NOT PRESENT FOR THE VOTE: Council Member Ortega

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
ORDINANCE 16022

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING) OF THE EL PASO MUNICIPAL CODE, BY AMENDING SECTION 20.04.520 (ADMINISTRATIVE PROVISION; NOTICE-METHOD) TO REQUIRE THAT REQUIRED SIGNAGE BE COMPRISED OF PLYWOOD, METAL MATERIAL, OR OTHER MATERIAL APPROVED BY THE DIRECTOR OF PLANNING. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE CITY OF EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and responded Council Member Escobar's questions.

The Deputy City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Rojas, seconded by Representative Escobar that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Cushing, Cook, Ortega, Escobar, Rojas and Cobos
NAYS: None Absent: Council Members Austin and Lozano

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
ORDINANCE 16023

The City Clerk read an Ordinance entitled: **AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF APPROXIMATELY \$36,515,000 CITY OF EL PASO, TEXAS, WATER AND SEWER REVENUE REFUNDING BONDS, SERIES 2005-B; APPROVING A PURCHASE CONTRACT; APPROVING AN OFFICIAL STATEMENT; AND ENACTING PROVISIONS RELATED THERETO.**

The following bond advisory team members commented:

1. Mr. Steven Adams, First Southwest Company, responded to questions of Council Member Ortega.
2. Mr. Paul Braden, Delgado, Acosta, Braden & Jones, P.C., revised the bond amount to read \$36,515,000.

The Deputy City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Ortega, seconded by Representative Cushing that the Ordinance be **ADOPTED AS REVISED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Cushing, Cook, Ortega, Escobar, Rojas and Cobos
NAYS: None Absent: Council Members Austin and Lozano

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED AS REVISED**.

.....
Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 11:30 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074 PERSONNEL MATTERS
Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

A. *Asarco v. TCEQ v. the City of El Paso*, In the 261st District Court of Travis County, Texas; Cause No. GN401709 (551.071)

B. ASARCO Incorporated Air Quality Permit No. 20345; TCEQ, Docket No. 2004-0049-AIR (551.071)

Motion made by Representative Cushing, seconded Representative Escobar and unanimously carried to **ADJOURN** the Executive Session and reconvene the meeting of the City Council at 11:38 a.m.

.....
NO ACTION WAS TAKEN on the following executive session item:

Asarco v. TCEQ v. the City of El Paso, In the 261st District Court of Travis County, Texas; Cause No. GN401709 (551.071)

.....
NO ACTION WAS TAKEN on the following executive session item:

ASARCO Incorporated Air Quality Permit No. 20345; TCEQ, Docket No. 2004-0049-AIR (551.071)

.....
Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried to **ADJOURN** this meeting at 11:39 a.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk